

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Crl. Rev. Pet. No. 91 of 2007

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CRA. 585/2003 of SESSIONS COURT, KOTTAYAM
CC.463/2001 of JUDL. MAGISTRATE OF FIRST CLASS, ETTUMANUR
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REVN. PETITIONER/ APPELLANT/ACCUSED:

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GIRISHKUMAR K.P., AGED 31 YEARS,
S/O. N. PONNAPPAN ACHARI, KURUPPANPARAPPURATHU,
ETTUMANOOR P.O., KOTTAYAM.**

BY ADV. SRI. SOORAJ. T. ELENJICKAL

RESPONDENTS/ RESPONDENT/COMPLAINANT:

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- 1. N.D. SHAJIMON,
NJONGINIYIL HOUSE, ETTUMANOOR.**
 - 2. THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

**R1 BY ADV. SMT. GAYATHRI VIJAYAN
R2 BY PUBLIC PROSECUTOR SRI. C.K. SURESH**

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

K. HEMA, J.

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Crl.R.P. No.91 of 2007

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Dated this the 10th day of January, 2007.

ORDER

Revision Petitioner is the accused in C.C No. 463 of 2001 on the file of the Judicial First Class Magistrate Court, Ettumanoor. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of three months under section 138 of the Negotiable Instruments Act and to pay compensation of Rs.15,000/- to PW1 under section 357(3) Cr.P.C. In appeal filed by him, the conviction and sentence were confirmed by the Sessions Court, Kottayam. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.308/2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.308/2007 and Revision Petition are allowed.

Sd/-

Krs.

K. HEMA, JUDGE.